

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

The Construction Industry                     )  
Retirement Fund of Rockford,             )  
Illinois, et al.                                 )  
Plaintiffs,                                     )  
  )  
v.   )  
  )  
Trademark Flooring, Inc.                     )  
Defendant.                                     )

Case No: 3:17 cv 50072

Magistrate Judge: Iain D. Johnston

**ORDER, REPORT AND RECOMMENDATION**

On 6/13/2017 the plaintiffs presented their motion for default judgment [16]. The defendant did not appear despite notice by both first class and registered mail. Dkt. 18. The plaintiffs previously obtained entry of an order of default after establishing service of the complaint and summons, and that the defendant was not an infant, incompetent or in the military. Dkt. 12. Affidavits and evidence attached to the motion establish damages in the following amounts: (1) unpaid contributions for the period 10/1/2014 through 5/31/2015 of \$49,861.34 plus liquidated damages of \$4,352.84 as allowed by the Memorandum of Agreement and an \$850 audit fee; unpaid contributions for the period 6/1/2015 through 5/31/2016 of \$81,862.55 plus liquidated damages in the amount of \$7,154.23 and an \$850 audit fee; a total credit of \$48,559.05 for payments made; liquidated damages that have continued to accrue totaling \$15,873.64 while the amounts due remain unpaid; unpaid contributions from 2017 totaling \$8,121.60; plus attorneys' fees of \$1,550.00 for 7.9 hours of work and costs of \$435. Damages total in the amount of \$122,352.15. It is therefore this Court's Report and Recommendation that the plaintiffs' motion for a default judgment [16] be granted, that a default judgment be entered in favor of the plaintiffs, and that damages be awarded in the amount of \$122,352.12. Any objection to this Report and Recommendation must be made by 7/3/2017. Failure to object may constitute a waiver of objections on appeal. *See Provident Bank v. Manor Steel Corp.*, 882 F.2d 258, 260 (7th Cir. 1989).

(:03)

Date: June 14, 2017

/s/ Iain D. Johnston  
U.S. Magistrate Judge